

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

STATE OF FLORIDA, *et al.*,

Plaintiffs,

v.

Case No. 23-cv-61595-WPD

CHIQUITA BROOKS-LASURE, *et al.*,

Defendants.

ORDER APPROVING REPORT OF MAGISTRATE JUDGE

THIS CAUSE is before the Court upon Plaintiffs' Motion for Preliminary Injunction [DE 10], Defendants' Motion to Dismiss [DE 40], and the Report and Recommendation entered by Magistrate Judge Augustin-Birch on January 29, 2024 (the "Report") [DE 48]. The Court has conducted a *de novo* review of Motions, the Report, Plaintiffs' Objections to the Magistrate Judge's Report and Recommendation [DE 49], Defendants' Response to Plaintiffs' Objections [DE 52], and is otherwise fully advised in the premises. The Court notes that Judge Augustin-Birch held a hearing on the Motions on December 20, 2024. *See* [DE 44].

A party seeking to challenge the findings in a report and recommendation of a United States Magistrate Judge must file "written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection." *Macort v. Prem, Inc.*, 208 F. App'x 781, 783 (11th Cir. 2006) (quoting *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989)). "It is critical that the objection be sufficiently specific and not a general objection to the report." *Macort*, 208 F. App'x at 784 (citing *Goney v. Clark*, 749 F.2d 5, 7 (3d Cir. 1984)). If a party makes a timely and specific objection to a finding in the report and recommendation, the district court must conduct a *de novo* review of the portions of the report to which objection is made. *Macort*, 208 F. App'x at

783-84; *see also* 28 U.S.C. § 636(b)(1). The district court may accept, reject, or modify in whole or in part, the findings or recommendations made by the Magistrate Judge. *Macort*, 208 F. App'x at 784; 28 U.S.C. § 636(b)(1). Accordingly, the Court has undertaken a *de novo* review of the Report, the record, and Plaintiffs' Objections. Having carefully considered Plaintiffs' Objections, the Court overrules the Objections. The Court agrees with the Magistrate Judge's conclusion that, based upon the lack of final agency action, the Motion for Preliminary Injunction should be denied without prejudice and the Motion to Dismiss should be granted.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Magistrate Judge's Report and Recommendation [DE 48] is hereby **APPROVED**;
2. Plaintiffs' Objections [DE 49] are hereby **OVERRULED**;
3. Plaintiffs' Motion for Preliminary Injunction [DE 10] is hereby **DENIED**;
4. Defendants' Motion to Dismiss [DE 40] is hereby **GRANTED**;
5. The Complaint is hereby **DISMISSED WITHOUT PREJUDICE**;
6. The Clerk is **DIRECTED** to **CLOSE** this case and **DENY AS MOOT** any pending motions.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida this 6th day of March, 2024.

A handwritten signature in black ink, reading "William P. Dimitrouleas", written over a horizontal line.

WILLIAM P. DIMITROULEAS

United States District Judge

Copies furnished to:
Counsel of record